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In re Application of :
Glenn et al. :
Application No. 09/966,841 : ON PETITION
Filed: 27 September, 2001 :
Attorney Docket No. AMK-9225 US :

This is a decision on the petition under 37 CFR 1.137(b),¹ filed on 5 April, 2004, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on 22 October, 2003, for failure to file a proper reply to the final Office action mailed on 21 May, 2003, which set a three (3) month statutory period for reply. On 15 July, 2003, an amendment after final rejection was

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

filed, along with a two (2) month extension of time. The amendment did not place the application in *prima facie* condition for allowance, however, and an advisory action was mailed on 20 October, 2003. Notice of Abandonment was mailed on 2 December, 2003.

On 5 April, 2004, the present petition was filed, accompanied by a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

The address listed on the petition is different than the correspondence address of record. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The application will be forwarded to Technology Center 2800 for consideration of the RCE and amendment.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.



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